

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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US MAINE EXPANDS LIST OF PRIORITY CHEMICALS FOR DISCLOSURE IN CERTAIN CHILDREN'S PRODUCTS

Maine has recently adopted rules to designate arsenic, cadmium and mercury as Priority Chemicals (PCs) under Maine's 'Toxic Chemicals in Children's Products' Laws. The deadline for Reporting will be 28 November 2014.

Since the enactment of Maine's 'TOXIC CHEMICALS IN CHILDREN'S PRODUCTS' Law (M.R.S.A. §§ 1691-1699-B) in 2008, bisphenol A (BPA), nonylphenol (NP) and nonylphenol ethoxylates (NPEOs) have been designated as Priority Chemicals (PCs). Under the law, the manufacturer, importer or distributor of certain products for children under the age of 12 is required to disclose specific information if a Priority Chemical is intentionally added and exceeds the Practical Quantitation Limit (PQL)¹.

In December 2013, the Maine Department of Environmental Protection (DEP) proposed four rules to designate arsenic, cadmium, formaldehyde and mercury as Priority Chemicals (PCs)².

On 2 June 2014, the DEP adopted three of the proposed four rules to include the substances i-iii as PCs for disclosure in children's products if the PCs are intentionally added and exceed the Practical Quantitation Limit (PQL)³.

- i. Arsenic
- ii. Cadmium
- iii. Mercury

Under the three new rules, the deadline to report the PC substances i-iii in certain children's products will be 28 November 2014.

Highlights of the new PCs and their scope of reporting are summarised in Table 1.



¹ [SGS-Safeguard 024/11](#) , [Title 38, Chapter 16-D, Toxic Chemicals in Children's Products](#) , [Maine has designated two chemicals to priority status](#)

² [SGS-Safeguard 218/13](#)

³ [Safer Chemicals in Children's Products](#) and references therein

TABLE 1.

MAINE TOXIC CHEMICALS IN CHILDREN’S PRODUCTS (TITLE 38, CHAPTER 16-D)				
PRIORITY CHEMICAL (PC)	RULE CHAPTER	SCOPE OF PRODUCTS FOR CHILDREN UNDER 12	REQUIREMENT	DEADLINE FOR REPORTING
Arsenic	887	<ul style="list-style-type: none"> Bedding, clothing, footwear, safety seats 	Disclosure to DEP if PC is <ul style="list-style-type: none"> intentionally added and exceeds PQL 	28 November 2014 (or within 30 days of sale of the children’s product)
Cadmium	884	<ul style="list-style-type: none"> Childcare articles Cosmetics, personal care products Personal accessories, jewellery and embellishments 		
Mercury	886	<ul style="list-style-type: none"> Occasion supplies, games, school supplies, craft supplies Toys 		

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for Priority Chemicals, Chemicals of High Concern for Children and other restricted substances in consumer products for the US and other International markets. Please do not hesitate to contact us for further information.



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